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2010 Human Rights Report: Yemen

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Yemen, with a population of approximately 23 million, is a republic whose law provides for presidential election by popular vote from among at least two candidates endorsed by parliament. In 2006 citizens reelected President Ali Abdullah Saleh to another seven-year term in a generally open and competitive election, but one characterized by multiple problems with the voting process and the use of state resources on behalf of the ruling party. Saleh has led the country since 1978. The president appoints the prime minister, who is the head of government. The prime minister, in consultation with the president, selects the Council of Ministers. Although there are a number of parties, President Saleh's General People's Congress (GPC) dominated the government. Armed conflicts with the Houthi rebels in the North and with elements of the Southern Mobility Movement in southern governorates, as well as with Al-Qaida in the Arabian Peninsula (AQAP) terrorists, affected the government's human rights performance. There were instances in which elements of the security forces acted independently of civilian control.

Armed conflict in the northern Saada region declined markedly after a February 11 ceasefire. Nonetheless, violence and abuses persisted in connection with ongoing protests by the Southern Mobility Movement, a decentralized umbrella group formed in 2008 as a result of widespread antigovernment protests that sought more rights for southerners and during the year increasingly became associated with activists seeking to reestablish an independent South Yemen.

During the year attacks, often by unknown actors, occurred on government security forces, usually attributed to AQAP, although government claims of AQAP responsibility could not be verified in many cases.

The main government human rights abuses included severe limitations on citizens' ability to change their government due to, among other factors, corruption, fraudulent voter registration, administrative weakness, and close political-military relationships at high levels. Arbitrary and unlawful killings, politically motivated disappearances, and reports of torture and other physical abuse accompanied the use of excessive force against civilians in internal conflict. Prisons and detention centers were in poor condition, and some private, largely tribal, ones operated without legal authorization or control. Arbitrary arrest and detention, sometimes incommunicado, and denial of fair public trial were widespread. Official impunity was common. The government restricted civil liberties, including freedoms of speech and of the press, including access to

the Internet, peaceful assembly, and religious freedom. The judiciary was weak, corrupt, and lacked independence. Official corruption and lack of government transparency were severe problems. International humanitarian groups estimated more than 300,000 persons were internally displaced as a result of the Saada conflict. Pervasive discrimination against women continued, as did early marriage, child labor, and child trafficking. Discrimination on the basis of religion, sect, and ethnicity was common. Workers' rights were restricted.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings during the year, including politically motivated killings. Security forces killed suspects during apprehension and public demonstrations in actions that appeared to be politically motivated. The vast majority of reported killings were related to the two internal conflicts (see section 1.g.). In the governorates of Saada and Amran in the North, government forces sought to end a long-festering conflict with Houthi tribal forces, who are Shia Muslims of the Zaydi sect motivated by a sense of political, social, and religious marginalization; Saudi Arabian military forces reportedly also killed Houthi citizens in Yemen. The conflict in the South saw lethal action against separatists and Islamic militants, usually associated with AQAP. Insurgent tribal elements in the North and separatists and Islamist militants in the South committed politically motivated killings. Al-Qaida in the Arabian Peninsula claimed responsibility for some killings. Tribal violence against the government, a regular feature of the country's politics, often led to governmental attribution of killings to AQAP, whose members frequently were linked by birth or marriage, rather than ideology, to belligerent tribes.

Apart from the two internal conflicts, government forces also committed arbitrary killings. For example, on August 6, according to the domestic nongovernmental organization (NGO) the National Society for the Defense of Rights and Freedoms (HOOD), Abdul-Ghani al-Zamzani struck a cement barricade in Sana'a with his truck near the house of the father of the chief of staff of the Central Security Forces (CSF). House guards and CSF officers shot at Zamzani, who despite being wounded fled to his residence nearby, where a CSF officer shot and killed him at close range. The CSF officials prevented Zamzani from receiving medical care and also prevented local police from conducting an investigation.

Some detainees died in custody. For example, on June 25, Ahmed al-Dirwish died while detained by police in Khor Maksar. According to a local NGO, he died because of injuries sustained from torture. Despite an order from the attorney general, investigators did not present the suspects responsible for the incident. An autopsy showed that Dirwish sustained broken ribs and substantial bruising and had ingested poison. On July 11, Faisal Al Goma'i died a month after suffering severe burns he received during a beating while in police custody at Al Shahid Al Ahmar Police Station in Sana'a. Police officials claimed the injuries were self-inflicted, and authorities did not conduct an adequate judicial investigation into the matter.

Persistent, low-intensity conflict among tribes and between tribes and the government resulted in killings and other abuses. On May 7, during the noon prayer, a group of armed men killed Houthi leader Yahya Al-Hames at the Muhammad Al-Ezzi mosque in Majez, Saada. On July 24, in Amran Governorate, according to the local press, clashes between Houthis and Sufian tribes over tribal properties killed at least 40 persons. Other incidents of fatal shootings continued throughout the year. In most cases it was impossible to determine the perpetrator or motive, and there rarely were claims of responsibility. Some killings may have had criminal, religious, or political motives, while others appeared to involve land disputes or tribal revenge.

There continued to be no investigation into the 2008 reported security force killings of Saleh Abubakr al-Sayed, Muhammad Ali Muhammad, Saleh Taleb Saeed, Abdelfatah Saif Abdullah, and Hisham Ahmed Muhsen.

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In November 2009 Saudi armed forces fought Houthi rebels, claiming that its attacks were within Saudi territory and intended to eliminate armed groups of Houthi rebels who had killed three border guards and wounded 15 other members of the security forces in the border region of Jebel al-Dukhan. According to media reports, Saudi forces continued to kill civilians in cross-border air and artillery strikes for more than a week after an initial January 23 ceasefire. The Houthis claimed there were 14 deaths, including some women and children, due to Saudi military action.

The land was littered with mines and unexploded ordnance from several conflicts, including the 1962-70 war in the North between republicans and royalists, the 1963-67 war of independence in the South, the 1970-83 war against left-wing guerrillas, and the 1994 civil war. The majority of mines were in border areas between the former North Yemen and South Yemen and in the southern governorates. Many minefields in the southern governorates remained unmapped. According to the governmental Yemen Executive Mine Action Center (YEMAC), during the year antipersonnel mines injured eight persons but caused no deaths. YEMAC tallied 15 deaths and 26 injuries from mines and explosive remnants of war during the year. YEMAC reported approximately 55 square miles of land remained to be demined at the end of the year.

b. Disappearance

During the year there were reports of politically motivated disappearances of individuals associated with southern protests and with the conflict in Saada in the North. Although many disappearances were short-term detentions followed by releases, the whereabouts of other individuals remained unknown for months or longer. Civil society groups accused the government of using sporadic disappearances to intimidate the populace.

Tribal kidnappings traditionally carried out to attract government attention to specific grievances occurred. On May 17, tribal gunmen kidnapped two foreign workers in Shabwa and released them two days later. On May 24, members of the Shardah tribe abducted two foreigners as well as their citizen driver and translator near al-Haima. They also were released after two days.

On May 17, two German girls, kidnapped in June 2009, were released. There was no confirmed information concerning the fate of the remaining hostages: their infant brother, their parents, and a British engineer.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, but domestic law lacks a comprehensive definition, according to the May 25 UN Committee Against Torture's *Concluding Observations* on the country. Human rights NGOs and former detainees and prisoners corroborated allegations of widespread practice of torture and mistreatment.

The international NGO Amnesty International's (AI) 2010 annual report claimed that police brutality and torture of detainees were widespread and affected political as well as ordinary criminal detainees and prisoners, and that officials committed these acts with impunity. Reported techniques included beatings with fists, sticks, and rifle butts; kicking; scalding with hot water; using excessively tight handcuffs; prolonged blindfolding and suspending by the wrists or ankles; denying water or access to toilets; burning with cigarettes; stripping naked; denying food and prompt access to medical help; and threatening sexual abuse and death. Sleep deprivation and solitary confinement were other forms of abuse reported by local human rights NGOs to have occurred in Political Security Organization (PSO) detention centers.

Ministry of Interior (MOI), which includes CSF and National Security Bureau (NSB), officers reportedly used force during interrogations, especially on those arrested for violent crimes, although according to the Ministry of Human Rights (MOHR), torture was not MOI policy. The PSO, a security apparatus reporting directly to the president, previously stated

that torture did not occur at its facilities. New PSO officers must sign a document certifying they recognize torture is illegal according to the laws and constitution of the country and that those who torture prisoners would be punished according to the law.

Penal law, based on the government's interpretation of Shari'a (Islamic law), permits amputations and physical abuse, such as flogging, as punishments for some crimes.

During the year the MOHR reported it received one complaint alleging torture at the hands of the military, police, or other security services but acknowledged that other isolated incidents might have occurred. It stated that most complaints concerned prison conditions. HOOD claimed it received dozens of complaints of torture during the year; however, because the complainants often brought their cases weeks or months after the torture allegedly occurred, their claims were difficult to verify. If HOOD has the capacity and interest, it takes the government to court on behalf of the victims. The domestic NGO Yemeni Organization for the Defense of Public Rights and Liberties (YODPRL) claimed to have documented 11 cases of detainees with chronic injuries resulting from torture during the year. On March 29, Mohammad al-Maqaleh, a journalist, claimed at a press conference held shortly after his release following six months of detention by the PSO that he was subjected to torture. He claimed he was held incommunicado and experienced the "harshest of physical torture."

Some detainees, such as Ahmed al-Dirwish and Faisal Al Goma'i, died in custody allegedly after torture (see section 1.a.).

According to the domestic NGO Women Journalists without Chains, Sana'a police officers tortured Fuad Ahmed Najj after detaining him in October at a demonstration in Sana'a supporting internally displaced persons (IDPs) from al-Djashen. He allegedly was subjected to electric shock, cigarette burns, and gun-butt strikes and was hospitalized for his injuries.

Prison and Detention Center Conditions

Local and international observers reported prison conditions remained poor and did not meet international standards. The government permitted some visits by independent human rights observers. Prison conditions deteriorated during the year due to the marked increase in the number of prisoners, according to HOOD.

Many prisons, particularly in rural areas, were overcrowded, with poor sanitary conditions, inadequate food, and inadequate medical care. In some cases prison authorities reportedly extracted bribes from prisoners to obtain privileges or refused to release prisoners who had completed their sentences until the prisoners' family members paid authorities.

In some rural and women's prisons, children were held with adults. By custom young children and babies born in prison remained in custody with their mothers. Local NGOs asserted children were held with adults in Sana'a jails. Pretrial detainees were held with convicted criminals.

Local tradition requires male relatives of female prisoners to arrange for their release. Authorities regularly held female prisoners in jail after the end of their sentences if male relatives refused to authorize their release, a practice that occurred because of the shame associated with the return of an imprisoned female family member or because families were unable to pay the "blood money" resulting from a court judgment. There were no female guards in female prisons or detention centers, except at the Hajjah Detention Center.

The Department of Public Prosecutions has overall responsibility for overseeing and inspecting prisons. It performed investigative and monitoring functions without real effectiveness, hampered by a lack of authority over powerful security agencies and tribal leaders who controlled separate prison and detention fiefdoms. In the mosaic of different prison arrangements and authorities, several patterns emerged. Apart from incommunicado detention, visitor access was reasonable, and religious observance was permitted. There was no evidence that prisoners and detainees were permitted to submit complaints to judicial authorities without censorship or request investigation of credible allegations of inhumane

conditions. Similarly, there was no evidence that the government or local prison authorities investigated credible allegations of inhumane conditions and publicly documented the results. According to a HOOD statement on November 23, PSO prison officials in Sana'a incited detained Sunni al-Qaida suspects to beat severely Shia Houthi detainees on several occasions during the year.

Authorities granted limited access to family members of PSO prisoners and detainees but routinely denied parliamentarians' and NGO requests for access to investigate human rights violation claims. The PSO argued that prospective visitors failed to comply with proper notification procedures.

Prison authorities granted the MOHR and a few local NGOs, including HOOD, access to selected MOI prisons. NGO representatives met with MOI prisoners as private visitors. The MOHR said it met with NGOs frequently throughout the year and served as a mediator between NGOs and the government. The MOHR also conducted awareness campaigns concerning civil rights in a number of governorates. The government allowed independent human rights observers access to PSO prisons during the year, a departure from prior years.

The MOHR stated it conducted more than 15 prison visits in 15 governorates during the year, including surprise visits and visits conducted by the minister. It also inspected juvenile centers in approximately 15 governorates. The MOHR claimed the successful implementation of most recommendations in its 2007 report on prisons, such as the separation of incarcerated adults and minors and provision of educational instruction to prisoners.

The International Committee of the Red Cross (ICRC) suspended visits in 2004 to PSO facilities, citing the PSO's failure to agree to the ICRC's universally applied manner of conducting visits, which includes regular access to and private interviews with all detainees. During the year the ICRC determined the PSO was cooperative and by year's end had made three visits to PSO facilities (see section 5).

During the year the government provided a few independent human rights observers limited access to selected prisons. There was no ombudsman advocating for humane and bureaucratically correct treatment of prisoners and detainees.

Unauthorized "private" prisons and detention centers in rural areas controlled by tribes continued to operate, holding persons subjected to tribal justice. Tribal leaders misused the prison system by placing "problem" tribesmen in private jails, sometimes simply rooms in a sheikh's house, either to punish them for noncriminal actions or to protect them from retaliation. Speakers of Parliament reportedly maintained a special section of one of the main government prisons in Sana'a for their own private prisoners. Persons often were detained in such circumstances for strictly personal or tribal reasons without trial, judicial sentencing, or other fundamental legal safeguards.

The government claimed that the influx of prisoners and detainees due to internal conflict and antiterrorism arrests constrained its ability to improve conditions in prisons and detention facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but the government generally did not observe these prohibitions. Enforcement of the law was inconsistent, particularly in cases involving suspected security offenses.

Role of the Police and Security Apparatus

The primary state security and intelligence-gathering entities, the PSO and the NSB, report directly to the president. There was no clear definition of many of the NSB's duties, which have evolved from protecting the country from external threats to overlap with those of the PSO, which is domestically focused and charged with identifying and combating political crimes and acts of sabotage. The police Criminal Investigation Division reports to the MOI and conducted most criminal investigations and arrests. The Central Security Office, also a part of the MOI, maintains a paramilitary force the CSF,

which was active in maintaining order in restive regions in the country and was often accused of using excessive force during crowd control; the CSO also maintains a Counter Terrorism Unit formed in 2003 to combat al-Qaida. Official impunity was a continuing problem.

Arrest Procedures and Treatment While in Detention

The law provides that an individual cannot be arrested unless apprehended in a criminal act or served with a summons and that a detainee must be arraigned within 24 hours or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. The law stipulates a detainee may not be held longer than seven days without a court order. Despite the law arbitrary arrest and prolonged detention without charge --or, if charged, without a public preliminary judicial hearing within a reasonable time--were common practices. For example, throughout the year authorities arbitrarily arrested numerous southern demonstration leaders and persons with alleged connections to the Houthi movement and detained them for prolonged periods. According to HOOD several thousand individuals detained during the last Houthi war remained imprisoned without trial at year's end. They were not arrested on the battlefield, so the government does not consider them "enemy combatants." In HOOD's opinion they would not be released as part of peace negotiations with the Houthis.

There are legal provisions for bail, but some authorities abided by these provisions only if they received a bribe. The law prohibits incommunicado detention and provides detainees the right to inform their families of their arrests and to decline to answer questions without an attorney present, but these rights were not always respected. The law states that the government must provide attorneys for indigent detainees, but in practice it often did not do so. Tribal mediators reportedly settled almost all rural cases without reference to the formal court system.

Citizens regularly claimed security officials did not observe due process when arresting and detaining suspects and demonstrators. Some members of the security forces continued to arrest or detain persons for varying periods without charge, family notification, or hearings. Detainees were often unclear which investigating agency had arrested them, and the agencies frequently complicated determination by unofficially transferring custody of individuals among agencies. Security forces routinely detained relatives of fugitives as hostages until the suspect was located. Authorities stated they detained relatives only when the relatives obstructed justice. Human rights organizations rejected this claim.

The UN Committee against Torture expressed concern in its May 25 *Concluding Observations* report about the practice of hostage-taking, whereby the government holds relatives of alleged criminals. For example, the committee noted the case of Muhammad al-Badani, abducted at the age of 14 in 2001 by a tribal chief for his father's failure to pay his debts, and who reportedly remained in a government prison at year's end.

Estimates of the number of persons arrested in arbitrary circumstances ranged broadly, as many detainees' names were not recorded, some detainees were never transferred to official detention centers, and many were arrested and released multiple times during the year. Local NGOs estimated the number of individuals extrajudicially arrested during the year in connection with the northern Saada conflict to be between 100 and 200 persons and in connection with the southern protest movement to be approximately 650 (see section 1.g.). While the PSO was only a part of the system, HOOD recorded approximately 650 PSO extrajudicial detentions during the year in PSO facilities throughout the country.

From January to April, the National Security Court sentenced a number of prominent Southern Mobility Movement activists to extended terms after they were held without formal charges. Ahmed Muhammad Ba Mo'alim received a 12-year term on March 23, and Fadi Ba'um, Qasim Askar, Hussein al-Aqil, and Salh al-Saqladi received sentences ranging from three to five years in prison.

Although both denied it, the MOI and the PSO operated extrajudicial detention facilities, according to local and international NGO reports. Unauthorized private prisons and detention facilities also existed. One example was the private facility maintained by Sheikh Muhammad Ahmed al-Mansour in al-Djashen. Mansour reportedly detained without government review a significant number of al-Djashen residents for months at a time.

Members of the security forces continued to detain journalists for publishing articles the government deemed controversial (see section 2.a.).

According to YODPRL the government arbitrarily detained eight persons for human rights advocacy. One activist, Walid Sharafuddin, was arrested in 2009 on charges of supporting the Houthis and spying for Iran. His attorney alleged that the PSO tortured him during his detention. Sharafuddin did not receive a fair trial by year's end. During the year the government also continued to detain suspects accused of links to terrorism, at times without due process. HOOD reported the government held 150 terrorist suspects detained during the year, as well as 100 persons in Sana'a and Hudeidah who remained detained since being arrested in 2009 on suspicion of terrorist affiliation or activities.

Amnesty

Following a May 22 general amnesty that President Saleh said would apply to "all outlaws," releases were made of detainees and prisoners from the conflicts in the North and South, as well as journalists.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but it was weak and not independent in practice, as corruption and executive branch interference severely hampered its operations. Litigants maintained, and the government acknowledged, that a judge's social ties and occasional bribery influenced verdicts. Many judges were poorly trained, and some were closely associated with the ruling party. The government's frequent reluctance to enforce court orders further undermined the integrity and efficiency of the judiciary. Members of the judiciary were threatened and harassed.

During the year the Specialized Criminal Court within the Ministry of Justice heard cases that were not security-related, despite its mandate to try persons charged with acts considered a "public danger," such as banditry and sabotage. The specialized criminal court reportedly does not provide defendants with the same rights provided in the regular courts. Al and local NGOs characterized specialized criminal courts as unconstitutional. Defense lawyers reportedly did not have full access to the charges against their clients or relevant government evidence and court files. YODRPL recorded 113 persons who received sentences before the special court during the year, 36 of whom received the death penalty. One person sentenced to death, Qabous Said al-Mazigi, was 15 years old at sentencing.

In May 2009 the government for the first time established a press court, a special court to try media and publication cases. Trials of journalists and newspapers took place during the year. The court found most defendants guilty and suspended them from journalism for a number of months or assessed fines typically amounting to 50,000 riyals (approximately \$235). The court imposed the most severe sentences on *Al-Masdar* editor Samir Jubran (subsequently released after the May 22 amnesty) and journalist Munir al-Mawri, who received prison sentences and bans from practicing journalism (see section 2.a.). During the year the special court cleared its docket and reportedly no longer hears cases or issues rulings at the request of President Saleh.

The military justice system has jurisdiction over uniformed personnel and civil servants charged with violations of military regulations. Decisions of military tribunals may be appealed to the courts of appeal. Information on the existence of military tribunals separate from the military court system was not available.

Trial Procedures

Laws are a mixture of Egyptian law, Napoleonic tradition, and Shari'a. The codified law, social custom, and Shari'a, as interpreted in the country, discriminated against women, particularly in domestic matters (see section 6). By law, but not in practice, prosecutors are a part of the judiciary and independent of the government. Prosecutors investigate criminal cases. The police generally were poorly trained and played a limited role in developing cases.

The security services (NSB, PSO, and MOI) continued to arrest, charge, and submit cases to the Prosecutor's Office of persons with alleged links to shootings, explosions, and other acts of violence, including terrorism. Citizens and human rights groups, especially in cases involving "political crimes" or the security services generally, alleged that the judiciary did not normally observe due process and extend the right to a fair trial to all citizens. Foreign litigants in commercial disputes complained of biased rulings.

The accused are considered innocent until proven guilty. Trials are generally public, but all courts may conduct closed sessions "for reasons of public security or morals." There are no jury trials. Judges, who play an active role in questioning witnesses and the accused, adjudicate criminal cases. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf; defendants and their attorneys have access to government-held evidence relevant to their cases. Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses and any relevant evidence. The law provides for the government to furnish attorneys for indigent defendants in serious criminal (felony) cases; in practice counsel was not always provided. All defendants, including women and minorities, have the right to appeal their sentences.

In addition to regular courts, there is a system of tribal adjudication for noncriminal issues; in practice tribal judges often adjudicated criminal cases. The results carried the same, if not greater, weight as court judgments. Persons tried under the tribal system usually had not been formally charged with a crime but had been publicly accused.

The law grants parliament exclusive jurisdiction over executive branch officials for crimes including bribery, interference, and embezzlement. No government official was investigated or tried under this law during the year.

Political Prisoners and Detainees

During the year there was a decrease in the number of political prisoners and detainees related to the southern protest movement and the conflict in Saada, where a ceasefire was announced on February 11 (see section 1.g.). Human rights organizations reported there were hundreds of political prisoners and detainees held during the year; many were arrested and released the same day, while others were held for weeks or months. In July the government released more than 200 detainees associated with the southern movement after President Saleh issued a general amnesty. Confirmation of the number and assessment of the status of political prisoners or even detainees was difficult because the government severely restricted or barred information and access by local or international humanitarian organizations, and the detainees were not publicly charged. For example, Ali al-Saqqaf, a campaigner for protection of the rights of detainees in the conflict in Saada and a member of the Yemeni Organization for Human Rights (YOHR), was detained in September 2009, was not charged, was denied access to legal counsel, and remained in custody of the PSO in Sana'a at year's end, according to the international NGO FrontLine.

Absent charges, it was difficult to determine whether detainees' actions had gone beyond advocacy and dissent to committing acts of violence. At year's end the government held more than 100 prisoners in connection with the Saada conflict, according to HOOD, which also reported that approximately 100 other detainees with suspected links to AQAP remained in PSO prisons without charge.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters, but there were limitations in practice. A provision in the civil code permits the president to review any judicial decision after receiving permission from the Supreme Judicial Committee, over which the president reportedly exerted significant influence. The provision was challenged in court but remained in effect at year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such action, but PSO, NSB, and MOI personnel, claiming security reasons, routinely searched homes and private offices, monitored telephone calls, read personal mail and e-mail, and otherwise intruded into personal matters. Human rights organizations claimed security forces undertook such activities without legally issued warrants or judicial supervision. The PSO and MOI rejected these claims. The PSO stated (that) its policies require the attorney general personally to authorize monitoring telephone calls and reading personal mail and e-mail. The PSO reported that to do a house search, it first obtains a warrant and a signed certification by the head of the neighborhood, and two neighbors who serve as witnesses accompany officers on the search.

Throughout the year human rights activists and journalists reported receiving repeated threatening telephone calls day and night. Activists and journalists considered these calls to be attempts by authorities to intimidate them from speaking out about the Saada conflict and southern political discontent.

The law prohibits arrests or the serving of a subpoena between sundown and dawn, but persons suspected of crimes were reportedly taken from their homes without warrants in the middle of the night.

No citizen may marry a foreigner without permission from the MOI, but this regulation does not carry the force of law and appeared inconsistently enforced.

Security forces routinely detained relatives of fugitives as hostages until the suspect was located (see section 1.d.). In other cases detention of family members continued while the families negotiated compensation for the alleged wrongdoing. Families, tribesmen, and other nongovernmental interlocutors commonly used arbitration and mediation to settle such cases.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

During the year the government responded with excessive force to domestic political problems with the Houthis in the Northwest and with protesters and secessionists in the Southern Movement. At the same time, Islamic militants associated with AQAP terrorism directed violent attacks largely against government personnel and installations, exacerbating the political and security situation in the South.

The Houthis, a group of Zaydi Shia rebels intermittently in armed conflict since 2004 with the government, called for greater resources and religious autonomy in Saada, along with a reduced government security force presence. The government alleged the Houthis received support from Iran and sought to reestablish a separate Shia imamate.

In northern Saada Governorate another round of intense fighting started in August 2009 and lasted until the parties announced partially observed January 23, then February 11 cease-fires, followed by President Saleh officially declaring the war "over" in a March 19 television interview. Large-scale conflict erupted again in August-September and continued sporadically at low levels at year's end.

According to the NGO Human Rights Watch (HRW) and other humanitarian organizations, witnesses reported four separate air raids on September 16 in which government bombs killed almost 90 civilians, mostly women, children, and the elderly in Adl, near Harf Sufyan in Amran Governorate. On September 18, the government announced a plan to

investigate the deaths. By year's end no results of an investigation had been presented. Independent investigation into the shelling did not occur because of heightened insecurity in the region.

YODPRL recorded more than 20 forcible disappearances attributed to government forces during the year in connection with the fighting in Saada.

In fighting between government forces and Houthi rebels between August 2009 and February, international NGOs providing humanitarian assistance in Saada estimated more than 300,000 persons were displaced from their homes, then spreading across four northern governorates in search of aid (see section 2.d.).

There were reports during the year of the use by both sides of antipersonnel mines, including antitank and improvised mines, during the conflict in northern Saada Governorate between rebel forces led by Abdul-Malik al-Houthi and government troops. Houthi rebels actively interfered with government demining efforts.

The government and local and international human rights organizations claimed that Houthis also committed human rights violations during the year. According to an August 2009 government report, Houthi abuses included unlawful killing, rape and sexual assault, looting and destruction of civilian property, and plunder and destruction of public buildings. Some human rights activists said Houthis used human shields and killed and threatened civilians who did not support them. Independent verification of these allegations was difficult because the government and Houthi rebels blocked nearly all access to Saada during the year.

Although the law barred the use of underage soldiers, local and international human rights organizations reported that both Houthis and government-affiliated tribes deployed child soldiers into armed conflict during the latest round of fighting in Saada (see section 6). For a more detailed discussion, see the Department of State's *Trafficking in Persons Report* at www.state.gov/g/tip.

There was also serious conflict in the South. In response to a growing southern protest movement that began peacefully with sit-ins in 2007, security forces killed at least 20 protesters and injured 87 in the southern governorates in the first six months of the year, according to AI. In the course of the year, security forces killed dozens of persons and injured hundreds of others in a series of increasingly violent demonstrations in Dhale, Lahj, Aden, Abyan, and Hadramout governorates.

In March the military, the CSF, and other security services launched a security operation in the city of Dhale, killing three persons, injuring 44, arresting 81 others, and destroying 57 houses. More than 100 families were displaced. Local and international human rights observers noted the government and local media outlets conflated the issues of the southern movement and al-Qaida, making it difficult to assess the goals and targets of such operations.

During the year the government launched mass preemptive arrest campaigns across the southern governorates and used excessive force to disperse demonstrations that sometimes involved tens of thousands of protesters. The government arrested hundreds of southerners during the year, including members of opposition political parties, academics, members of parliament, journalists, and human rights activists. Some were released after a few hours of detention, and others remained in jail at year's end.

Media and local NGOs reported that during August and September, government military forces bombed and shelled civilian areas in the southern governorates of Abyan and Shabwa. According to the government, the shelling was an attack on members of Al-Qaida in the Arabian Peninsula.

Terrorist activity increased during the year. For example, on June 19, the intelligence headquarters in the city of Aden was attacked; the attack killed at least 11 persons. According to press reports, AQAP asserted responsibility for the attack,

claiming it killed at least 24 persons. On July 14, suspected al-Qaida militants attacked the intelligence headquarters in Zinjibar in the southern governorate of Abyan. Using heavy machine guns and rocket-propelled grenades, they killed at least 10 persons and wounded 13 others, according to press reports. On August 28, AQAP claimed responsibility for an attack on a checkpoint near Jaar in Abyan that killed eight soldiers and a civilian government employee.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press "within the limits of the law"; however, the government did not respect these rights in practice. On May 3, the international NGO Reporters Without Borders severely criticized President Saleh for creating the press court and for harassing and prosecuting a dozen journalists in an attempt to limit coverage of the conflicts in the North and South.

The government attempted to impede criticism, such as by using government informers to monitor meetings and assemblies. During the year--especially in the northern governorates of Sana'a, Amran, and Saada--there were reports that the government monitored their speech and removed Houthi Zaydi imams from their positions in mosques.

The government limited press freedom, censoring and banning media outlets, which operated with restrictions. The 1990 Press and Publication Law criminalizes criticism of the person of the head of state," although not necessarily "constructive" criticism; the publication of "false information" that may spread "chaos and confusion in the country"; and "false stories intended to damage Arab and friendly countries or their relations" with the country. The security apparatus, including the NSB and elements of the military, threatened and harassed journalists to influence media coverage. Journalists and publishers regularly practiced self-censorship.

The press law specifies newspapers and magazines must apply annually to the government for licensing renewal and must show continuing evidence of 700,000 riyals (\$3,286) in operating capital. There were reports authorities made the registration process bureaucratically difficult for opposition figures or organizations, while progovernment or tribal newspapers received licenses quickly. Three independent newspapers owned their own presses; no papers associated with political opposition groups did.

Harassment of journalists who reported on the southern protest movement and the Saada conflict continued during the year. The government attempted to prevent details of the Saada conflict from becoming public knowledge. Measures included forbidding journalists and humanitarian workers from going to the conflict zone, disconnecting all but a select number of cell phone numbers in the governorate, warning journalists not to report on the conflict, and arresting persons who transmitted information about what they had seen or who could have such information because they had recently left the area.

The government continued to shut down newspapers during the year. For example, independent Aden-based newspaper *Al-Tariq*, barred from publication on February 21, was allowed to resume publication on March 4 after its staff reported receiving warnings from the government to moderate its content. On March 14, the government shut down Taiz's only independent newspaper, the weekly *Hadiith al-Medina*, and ordered the government-owned Jamhurriya printing press in Taiz--the city's only press--to stop printing *Hadiith al-Medina* until further notice. The newspaper remained closed at year's end. On March 24, authorities released Hisham Bashraheel, editor of Aden-based independent newspaper *al-Ayyam*, which has been suspended from publication since May 2009. Bashraheel had been detained since a January 4 exchange of gunfire at *al-Ayyam's* offices. The elderly Bashraheel was in poor health even before his arrest, and authorities cited "health reasons" for his release.

On March 26, authorities released opposition writer Mohammad al-Maqaleh, arrested in September 2009 for criticizing military actions resulting in civilian casualties in the Saada war. His release closely followed statements by the Yemen Socialist Party and Yemen Journalists Syndicate alleging that he was being tortured in custody, and a March 24 segment on Al Jazeera that showed Maqaleh's daughters pleading for his release. Official media cited "health reasons" for Maqaleh's release, and he went directly from PSO custody to a hospital in Sana'a. Unknown persons reportedly had abducted Al-Maqaleh on the street in Sana'a and held him incommunicado for five months in PSO custody without charges or appearance before judicial authorities.

Physical attacks against journalists continued during the year, along with government harassment, including threats against journalists and their families, brief imprisonment, and personal surveillance. On July 11, al-Baidha's governor Muhammad al-Amry ordered Majed Karout, an *al-Masdar* correspondent in al-Baidha Governorate, to stop writing articles criticizing the local government. Similar incidents of government threats or harassment against journalists were reported in Taiz and Aden during the summer.

On May 22, President Saleh released four journalists who had cases before courts or court rulings on public rights to mark the 20th anniversary of the country's unification, according to the Defense Ministry's 26sep.net news Web site. Subsequently, a number of prominent journalists were released, including Hussein al-Laswas, sentenced to a year's imprisonment on May 2 for "defamation of a public official" for his reporting on government corruption and editor of the independent newspaper *al-Tajdeed*, and Hussein al-Aqel, a writer and Aden University lecturer. The government also lifted the ban on *al-Masdar's* editor Samir Jubran from working as a journalist. The special press court dropped proceedings against 33 journalists. Taiz Governor Hamoud Khaled al-Soufi in announcing the president's decision stated the action was subject to their "putting their pens in the service of their country and helping to consolidate national unity," according to press reports.

During the year independent newspapers published statements by exiled southern leaders in which government security forces in the South were described as "occupation forces" and President Saleh was described as "the tyrant." On August 3, quasi-independent news Web site Mareb Press cited statements by exiled Houthi leader and Member of Parliament Yahya al-Houthi boasting that Houthi rebels had the strength to invade President Saleh's home area of Sanhan in Sana'a Governorate.

At times customs officials confiscated foreign publications they regarded as pornographic or objectionable due to religious or political content. During the year there were reports that authorities monitored foreign publications and banned those deemed harmful to national interests.

The government selected items for news broadcasts and rarely permitted broadcasts critical of the government. The government televised parliamentary debates and occasionally permitted broadcasts including aggressive criticism of ministries. The Ministry of Information influenced the media through control of printing presses, subsidies to newspapers, and ownership of the country's sole television and radio outlets.

On March 11, government security forces entered without warrant the Sana'a offices of Al Jazeera and Al Arabiyya and seized the satellite television stations' broadcasting equipment. The government claimed that the equipment was not properly licensed and that the seizure was in accordance with the law. The equipment was returned on March 18 following a presidential directive.

The government required that book authors obtain certification from the Ministry of Culture (MOC) for publication and submit copies to the ministry. Publishers sometimes refused to deal with an author who had not obtained certification. The MOC approved most books, but long delays were frequent. Both the ministry and the PSO monitored and sometimes

removed books from stores. A ban continued on publishers distributing books that espoused Zaydi Shia Islamic doctrine or were deemed pornographic. The government denied that the media were subject to censorship by any security apparatus.

Internet Freedom

The government restricted Internet use by intermittently blocking access to some political and religious Web sites and sites it deemed immoral. During the year the government reportedly blocked for extended periods a number of independent and opposition news Web sites, such as al-Shura.net and Ishtiraki.net and the Web sites of independent newspapers *al-Ayyam*, *al-Masdar*, *al-Tagheer*, and *al-Wasat*. It also blocked Adenpress.com, a Web site that covered the southern demonstrations, and it allegedly blocked and changed content on Yemenhurra.net, a Web site that covered the Saada conflict.

Physical attacks against Internet journalists continued during the year, along with government harassment, including threats against journalists and their families, brief imprisonment, and personal surveillance. Awadh Kashmiim, a journalist from Seiyun in Hadramaut Governorate, was detained by the PSO for 15 days in April for publishing "separatist" articles on his independent news Web site Hadramaut Press. Kashmiim claimed to continue to receive death threats from security officials.

Several Internet journalists benefitted from the president's May 22 decision to halt press law cases and release detained and imprisoned journalists: Fuad Rashed, editor of opposition news Web site *Mukalla Press*, Salah al-Saqladi, editor of opposition news Web site *Khaleej Aden*, and Muhammad al-Rabeedi, a blogger critical of the government.

In November 2009 hackers attacked the leading independent news Web site NewsYemen, causing the site to crash and erasing its five-year news archive. The Web site's editor blamed the government, citing evidence the virus that destroyed the Web site originated in a ministry office.

In June the country had an estimated 420,000 Internet users (1.8 percent penetration). Many could not afford the Internet or were unfamiliar with the equipment and services needed to access it. Internet access was available from homes or Internet cafes in major urban areas.

The government limited the Internet content its citizens could access through commercially available filtering technology and control of its two Internet service providers, TeleYemen (operators of the service YNET) and YemenNet, via the Ministry of Telecommunications and Information Technology. Human rights organizations and other NGOs complained the government restricted what journalists wrote and how citizens used the Internet through a variety of intimidation tactics.

Academic Freedom and Cultural Events

The government restricted academic freedom, purportedly to prevent the politicization of university campuses. Political parties frequently attempted to influence academic appointments, as well as university faculty and student elections. During the year security officials were present on university campuses and at intellectual forums. PSO representatives had permanent offices on the campuses. Human rights NGOs reported that government informers monitored the activities of professors and students, especially those who were allegedly affiliated with opposition parties. Authorities reviewed prospective university professors and administrators for political acceptability before hiring them and commonly showed favoritism toward supporters of the ruling GPC party.

Authorities intermittently enforced a ban on new student associations at Sana'a University. Opposition sources contended authorities did not enforce this regulation against GPC-affiliated organizations.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, requiring a permit for demonstrations that the government issues routinely. However, the government limited this right in practice. The government banned and disrupted some demonstrations, allegedly to prevent them from degenerating into riots and violence.

For example, on May 26, security forces in Mukallah prevented a demonstration called to support detained journalist Foud Rashed; they detained and questioned dozens of protesters. On October 6, military personnel attempting to break up a sit-in for press freedom in Sana'a physically abused journalist and human rights advocate Tawakul Karman and other activists. The military took demonstrators' banners and broke cameras. On October 22, police arrested 20 persons in Taiz when they attempted to hold a demonstration calling for increased development for the region. The government said the protesters did not have the appropriate permit. On November 30, police banned demonstrations by the southern protest movement marking the United Kingdom's 1967 withdrawal from the southern part of the country. The government said it imposed the ban after two northerners were killed while traveling through the South in the days before the scheduled protests. Police arrested hundreds of persons planning to participate in the demonstrations.

The southern protest movement that began in 2007 with a group of retired military and civilian officials of the People's Democratic Republic of Yemen grew during the year into a widespread political coalition across the southern governorates. The expanded movement continued to grow increasingly vocal in its calls for secession from the central government in Sana'a and organized dozens of relatively peaceful demonstrations in support of its cause. In response the government conducted mass arrest campaigns before and during demonstrations organized by the southern protest movement and fired on demonstrators frequently throughout the year. The government claimed that it was responding to violent acts on the part of some demonstrators.

Freedom of Association

The law provides for freedom of association, and the government nominally respected this right in practice, but the ruling party retained control of professional associations through subsidies and by influencing internal elections. According to local observers, there were approximately 20 legally recognized NGOs independent of the ruling party operating in the country.

All associations, including NGOs, are required to register annually with one of four ministries: Social Affairs and Labor (MSAL), Culture, Education, or Vocational Training and Technical Education. The government cooperated to varying degrees depending on the issues with the country's more than 6,000 civil society organizations, including human rights NGOs, according to the MOHR. All registered associations were by law provided with an annual stipend, although in past years some organizations such as the Yemeni Journalists Syndicate said they did not receive their government stipends.

c. Freedom of Religion

For a description of religious freedom, see the Department of State's *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights with some restrictions. The government limited the movement of women, foreign tourists, and other foreigners. The two latter groups were required to obtain government permission before leaving the country. The government also restricted domestic travel by refusing to issue travel permits to conflict areas, and the army and security forces maintained checkpoints on major roads. The government generally cooperated with the Office of

the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. However, the government was not always cooperative with the UNHCR regarding migrants, and the UNHCR was often not allowed to conduct refugee status determinations for Ethiopians and Eritreans, which often resulted in their forcible deportation

In certain areas armed tribesmen frequently operated their own checkpoints, sometimes with military or other security officials; they often subjected travelers to physical harassment, extortion, or theft.

According to the law, government officials required women to have the permission of a male relative before applying for a passport or leaving the country. A women's rights NGO asserted that a husband or a male relative could bar a woman from leaving the country and that authorities strictly enforced this requirement when women traveled with children. During the year authorities reportedly turned back several women at the airport because they did not have the permission of a male relative.

Security officials at government checkpoints often required immigrants and refugees traveling within the country to show they possessed resident status or refugee identification cards. There were reports that at times local officials did not honor official documents.

The law prohibits forced exile, and there were no reports of forced exile during the year.

During the year the government continued to deport an unknown number of foreigners who were studying at Muslim religious schools and believed to be illegally residing in the country. The government claimed these persons were suspected of inciting violence or engaging in criminal acts by promoting religious extremism. The government required foreigners to register with police or immigration authorities within one month of arrival.

Internally Displaced Persons (IDPs)

The sixth round of fighting in the six-year conflict in Saada between the government and Houthi rebels broke out in August 2009, diminished after the February 11 cease-fire, but continued throughout the year at lower levels as Houthi forces clashed with progovernment tribes.

In October UNHCR representatives reported they had identified and registered more than 329,000 IDPs in the North who were displaced as a result of the fighting (see section 1.g.). The majority of IDPs lived outside of camps, but approximately 15 percent were located in camps in the four northern governorates of Saada, Hajja, Amran, and Al Jawf.

By year's end the February cease-fire had not resulted in sufficiently improved security conditions in many of the affected areas to permit the safe and voluntary return of displaced persons. Fighting continued for a second year in and around Saada City, traditionally a gathering point for IDPs from the governorate's rural areas, and elsewhere in the North. Scattered land mines and unexploded ordnance, threats against returnees, and a lack of confidence that a long-term period of stability was at hand also contributed to continued displacement. According to the special representative of the UN secretary-general on the human rights of IDPs, Walter Kaelin, other obstacles to return included the extensive destruction of houses and other infrastructure, loss of livestock and livelihoods, and lack of basic services. Humanitarian organizations continued to be denied access to many areas to assist potential returnees in rebuilding their livelihoods.

Inaccessibility of certain districts of Saada, Al Jawf, and parts of Amran governorates prevented humanitarian assistance from reaching all IDPs. At times both the government and Houthi rebels limited access to the region, preventing food, medical supplies, and other assistance from reaching IDPs. During his April 4-10 visit, the special representative spoke of "good cooperation" between the government and the UN in averting a disaster with IDPs during the armed conflict.

Nonetheless, humanitarian organizations' access to IDPs remained problematic through the end of the year because of the general security situation and government restrictions.

Most IDPs lived outside official camps wherever they could find shelter in scattered settlements, including with host families and relatives in communities or under trees and bridges and in school buildings. Journalists reported many IDPs were starving and lacked basic requirements such as clean water, food, and medicine. Surveys completed by the World Food Program and other international organizations in the North found elevated rates of acute malnutrition in displaced and other vulnerable children. The UNHCR reported that schools in some areas of the North remained closed as of October and that many children did not attend school, with girls' registration often half that of boys'.

In October the UNHCR reported that only an estimated 16,000 IDPs had voluntarily returned to their areas of origin. There were no reports that the government had attacked or forcibly returned IDPs. The government committed to the rebuilding of Saada and other areas affected by the conflict as part of the cease-fire agreement and to encouraging safe and voluntary returns, but progress was minimal. The majority of IDPs were not likely to reintegrate into their host communities, although some may choose to do so. In general IDPs did not want to return to their areas of origin, and safe and voluntary returns were not possible because of security risks, lack of infrastructure or services, and mines and other unexploded ordnance.

There were reports of brief displacements in the South as a result of fighting between the government and al-Qaida from August to October. Small-scale displacement occurred primarily in Shabwa and Abyan governorates and was largely temporary. Government troops attempted to protect citizens from the fighting by encouraging them to leave towns before large campaigns against AQAP began. The UNHCR, Yemeni Red Crescent Society, government, and other organizations provided assistance to the displaced, who usually stayed with host families or in public buildings until fighting had ceased.

Protection of Refugees

The government does not have a national law addressing the granting of refugee status or asylum, and the government has not established a system for providing protection to refugees. In February President Saleh issued a decree making it possible to begin work on the legislation to establish a Bureau of Refugees and on the drafting of national refugee legislation.

In practice the government occasionally provided protection against the expulsion or return of persons to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government continued to grant prima facie refugee status to Somalis who arrived in the country after 1991. Non-Somali asylum seekers must undergo an individual refugee status determination conducted by the UNHCR, as the government has no ability to conduct refugee status determinations on its own. The government did not consistently allow the UNHCR to perform refugee status determinations for non-Somalis. An estimated 3,500 Ethiopians were recognized as refugees, but Ethiopians and Eritreans fleeing persecution and/or conflict did not receive prima facie status. The majority of Ethiopian and Eritrean asylum seekers were detained, generally without UNHCR access, and deported as economic migrants. During the year an estimated 53,000 migrants from the Horn of Africa made the treacherous journey across the Gulf of Aden to Yemen in search of asylum or economic opportunity. Proper screening was therefore necessary to identify asylum seekers from the massive mixed-migratory flow. The UNHCR was unsuccessful in convincing the government to do proper screening and registration of these asylum seekers.

The government continued to provide temporary protection for thousands of individuals from Iraq and the Darfur region of Sudan who may not qualify as refugees, although there were some reports of deportations. There were reports that authorities denied some Iraqis readmission into the country, blocking them from reuniting with their families.

Generally, authorities allowed refugees to work and travel freely within the country, although refugees faced some difficulties. The vast majority of refugees lived in urban areas, while approximately 14,000 resided in the Kharaz camp. There were isolated reports of refugees refused employment or passage at checkpoints. However, such refusals reportedly were due to lack of legal documentation rather than refugee status. Refugee children attended local schools, although facilities were limited and could not meet the demand in full.

In 2005 the government and the UNHCR signed a memorandum of understanding to establish six registration centers to register and provide greater legal protection to refugees. The UNHCR operated three reception centers in the South, the newest of which opened in 2008. The replacement of the head of the security force reduced harassment and abuse by security forces at a Somali refugee camp. Some potential asylum seekers were imprisoned while their status determinations were pending with the UNHCR, which had uneven access to these refugees; authorities generally released refugees from prison upon the completion of UNHCR processing.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully through periodic elections based on universal suffrage, but there were limitations in practice, particularly concerning the fairness of elections. The president, who has been in office since 1978, held almost total decision-making authority. The president appoints the prime minister, who presides over a 35-member cabinet chosen by the president. The last change in the composition of the cabinet occurred in May. In practice the president, in association with the ruling GPC party, dominated the government. The president can dissolve parliament, in which three parties were represented, and parliament was not an effective counterweight to the executive branch.

Elections and Political Participation

Parliamentary elections scheduled for April 2009 were postponed for two years in an agreement the ruling GPC party and the coalition of six opposition parties, the Joint Meeting Parties (JMP), signed in February 2009 after the two sides failed to agree on electoral reform. As a result of this agreement, parliament officially voted in April to extend its current six-year term by two years in order to avoid violating the constitution. The JMP and GPC also agreed to engage in a national dialogue process to discuss implementing electoral reforms. The process was formalized in July, when 100 delegates each from the JMP and GPC began to meet in a joint committee. A 30-member steering subcommittee was formed, which established a 16-member outreach committee to incorporate delegates from underrepresented opposition groups, including the Houthis and members of the Southern Movement, protesters as well as secessionists. The JMP and GPC reached an impasse in November over the timing of elections and election reform and were unable to reach formal agreement by the end of the year.

In December 2009 the government held hastily prepared by-elections for 12 vacant parliamentary seats, boycotted by the opposition JMP. The ruling GPC party won 10 seats, with two going to independent candidates.

In 2008 the local councils of each of the 21 governorates elected governors. The election of governors, whom the president previously appointed, was proposed as an important step toward the decentralization of power. The influence of the ruling party in the majority of local councils and a boycott by the opposition, however, resulted in continuing ruling party dominance.

Ali Abdullah Saleh won a seven-year term in the 2006 election, the country's second nationwide direct presidential race, securing 77 percent of the votes. JMP candidate Faisal bin Shamlan received 22 percent. The remaining three opposition and independent candidates had less than 1 percent each. According to the Supreme Council for Elections and Referenda

(SCER), approximately 65 percent of eligible voters participated in the elections, and an estimated 42 percent of voters were female.

International and local observers widely viewed the SCER, which administers and monitors elections, as unfairly biased towards the ruling GPC. Opposition parties called for its recomposition, but the membership of the SCER remained heavily weighted toward the GPC at the end of the year.

International NGOs and the EU observer mission characterized the 2006 polling as an important and unprecedented step in the country's democratic development. In its final postelection report, the EU mission noted that the GPC had an unfair electoral advantage because the state put significant resources at the disposal of GPC candidates for use during their campaigns. Opposition parties, while noting irregularities, also hailed the elections as the first genuinely competitive contest in the country's history. Unlike in previous years, international and local observers did not report significant difficulties in accessing voting centers or filing their reports.

As reported by NGOs, poorly trained administrative staff, registration of a large number of underage and dead voters, and interference by security officials marred the 2006 voter registration process. The JMP refused to participate in the process due to allegations of SCER bias. The SCER therefore recruited voter registration staff on short notice and without meaningful training.

Opposition parties or local constituencies never received a searchable electronic copy of the registration list to enable them to verify voter lists before the election. There were reports the SCER mistakenly removed eligible voters from lists in several constituencies. Many constituencies were redistricted a month before the election with new boundaries widely viewed as favoring the ruling party. Ballots for the local council elections went uncounted in some constituencies or were not secured after the count.

Political parties could generally operate without restriction or outside interference. The law mandates that political parties be national organizations that cannot restrict their membership to a particular region, tribe, religious sect, class, or profession. The constitution prohibits the establishment of parties that are contrary to Islam, "oppose the goals of the country's revolutions," or violate the country's international commitments. The law further stipulates that each party have at least 75 founders and 2,500 members. Candidates from any party may declare their candidacy for elections. The government provided financial support to most of the 23 political parties, including a small stipend to publish party newspapers.

The ruling GPC has been the dominant party since unification of the country. It controlled 238 of the 301 seats in parliament. Islah, the largest opposition party, controlled 46 seats. Tribalism distorted political participation and influenced the central government's composition. Observers noted individuals often were selected to run for office or given jobs in particular ministries based on tribal affiliation. Because patriarchal systems dominate in tribal areas, some tribal leaders reportedly influenced tribal members' votes.

Although there were no formal restrictions limiting opposition participation, the government made it difficult for some parties to organize. At year's end the government continued to hold substantial assets of the opposition Yemeni Socialist Party, including land and buildings seized after the 1994 civil war.

In 2007 the government dissolved the al-Haq Party for it having reportedly violated the law on political parties. Civil society observers claimed the government abolished the party because of its affiliation with the Houthi rebels and for its appeal to Zaydi Shia. The leader of the al-Haq Party, Hassan Zaid, claimed that he received death threats in August because of his political activities.

Women voted and held office, but increasingly conservative cultural norms rooted in tribal traditions and patriarchal religious interpretation often limited their exercise of these rights. There was one woman in the 301-seat parliament. There were two women in the cabinet, the minister of human rights and the minister of social affairs and labor. The SCER women's department, responsible for addressing gender equality in the electoral process, conducted informational campaigns prior to the 2006 elections on the importance and mechanism of voting. In the elections, 164 women competed in local and provincial councils, and 38 won seats. Women's rights activists and female parliamentary candidates accused the ruling party and authorities of rigging the 2006 elections against women.

Many members of the Akhdam community did not participate in the political process due to poverty and racial and social discrimination. There were no members of minority groups in parliament or the cabinet.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Article 136 of the constitution states that a criminal investigation may not be conducted on a deputy minister or above without first securing a 1/5 approval vote in parliament. Subsequently, it requires a 2/3 parliamentary vote and presidential permission to bring the case to the general prosecutor for indictment, which in essence creates a separate legal system for the political elite. The World Bank's Worldwide Governance Indicators reflected that there was a serious corruption problem, and a perception of corruption in every branch and level of a government with weak state institutions was widespread. International observers presumed that government officials and parliamentarians benefited from insider arrangements and embezzlement. Leaders and governmental agencies took negligible action to combat corruption.

Corruption and impunity were serious problems throughout the military-security establishment and intelligence bureaucracy. There were no public governmental investigations of corruption in these areas during the year. Some police stations reportedly maintained an internal affairs section to investigate security force abuses, and citizens had the right to file complaints with the Prosecutor's Office. Enforcement of this right was inconsistent, and there were no effective investigations reported. The MOI had a fax line for citizens to file claims of abuse for investigation. It was unknown how many fax complaints the MOI received and how many it investigated.

Government procurement was regularly impacted by corruption. In 2007 the government established the high tender board to review government tenders up to 213 million riyals (\$1,000,000) and assess them for legality. The board conducted training sessions for government officials during the year.

The Central Organization for Control and Audit (COCA) is the country's national auditing agency for public expenditures and investigative body for corruption. COCA presented its reports to parliament but did not make them publicly available. The president appointed its top officials. In cases involving high-level officials, COCA submitted reports directly to the president, who had the power to veto them. Only low-ranking officials have been prosecuted for corruption since COCA's inception in 1999. The actual extent of corruption was generally considered significantly greater than what was reported confidentially to parliament.

The culture of corruption was pervasive, and petty corruption was widely reported in nearly every government office. Job candidates often were expected to purchase their positions. Tax inspectors were believed to undervalue assessments and pocket the difference. Many government officials received salaries for jobs they did not perform or multiple salaries for the same job.

The independent Supreme National Authority for Combating Corruption (SNACC), formed in 2006, includes a council of government, civil society, and private sector representatives. In 2007 parliament elected 11 members to the SNACC,

whose chairman and deputy chairman serve a two-and-a-half-year term, renewable once with SNACC consent, whereas regular SNACC members can serve only one five-year term. Each board serves only one five-year term, and the current board's term was scheduled to end in July 2012. Members manage sectors such as media, criminal investigations, and contracts. On July 28, the SNACC released a National Strategy for Combating Corruption.

During the year 498 complaints were investigated, with 200 individuals accused in 43 criminal cases referred to the Office of the General Prosecutor. There were seven criminal convictions. An additional 135 cases of failure of public officials to file asset declarations were referred to the Attorney General's Office. Approximately 200 government officials were trained in criminal justice sector best practices, and dedicated anticorruption prosecutors were placed within the SNACC.

Yemen Parliamentarians Against Corruption (Yemen PAC), the local branch of Arab PAC, is part of a network of parliamentarians organized to combat corruption and was founded in 2006 to fight corruption by legislative branch action. Without any legal mandate, Yemen PAC monitored the activities of anticorruption institutions like the SNACC and provided limited, unofficial oversight for their activities. It also attempted to push anticorruption laws through parliament. During the year the group formed and worked with anticorruption networks across the country, including in Marib, Taiz, and Aden governorates, and established local monitoring and awareness committees.

The law requires a degree of transparency and public access to information, and the press and publications law provides for journalists to have some access to government reports and information; in practice the government offered few procedures that could ensure transparency. The law requires public disclosure of government officials' assets, and the SNACC worked to implement this requirement during the year. The government provided limited information via the Internet which, despite few citizens having access to the Internet, remained accessible to media, international observers, and NGOs.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups operated with varying degrees of government restriction, many investigating and publishing their findings on human rights cases with little constraint. NGOs reported government officials were sometimes uncooperative and unresponsive to their views. The law on associations and foundations regulates the formation and activities of NGOs. The law exempts NGOs from taxes and tariffs and requires the government to provide a reason for denying an NGO registration, such as if it perceives an NGO's activities as detrimental to the state. It also requires that any organization have at least 41 members to continue operation and forbids them from being involved in political activities.

The law permits some foreign funding of NGOs and requires government observation of NGOs' internal elections. In 2008 the MOHR sponsored several initiatives to advance cooperation with local NGOs such as the Yemeni Women's Union and Violence Against Women.

Domestic human rights NGOs operated throughout the year. The NGO landscape was complex. The government provides a stipend to all registered NGOs; however, some ministries reportedly harassed NGOs critical of the government by denying their annual registration and subsidy. Progovernment NGOs received support from the ruling party and the government as well, while others received support from opposition parties or were fully independent. Some of the most active included the Human Rights Information and Training Center, HOOD, YOHR, the Democracy School, Media Women Forum, the Arab Sisters Forum for Human Rights, YODPRL, Seyaj, Shawthab Foundation, the National Organization for Developing Society, the Society for the Development of Women and Children, and the Women Journalists Without Chains (WJWC).

Some NGOs limited their activities to avoid negative government attention. Some ministries reportedly harassed NGOs critical of the government by delaying the procedures required for annual registration and licensing and through bureaucratic funding criteria. Unlike in previous years, the MSAL registered HOOD for a five-month trial period in July. After many months of denials, authorities finally renewed WJWC's license in March. Both HOOD and WJWC frequently were critical of the government. In 2009, after a two-year wait due to its criticism of the government for limiting media freedom, the MSAL issued a temporary two-year license to the Arab Sisters Forum for Human Rights. The government requires NGOs to register annually or be declared illegal, but NGOs that were not granted licenses continued to operate during the year. In some instances the government reportedly registered a progovernment clone version of an NGO, recognizing the clone as the legitimate NGO, thereby preventing the original NGO from renewing its registration under its original name. In such cases registration applications must be resubmitted under a new name.

The government monitored NGO finances. The government reportedly used financial reviews as a pretext to harass or close NGOs. Some NGOs allegedly kept less than transparent records, a common practice in the country.

The government provided AI, HRW, the EU parliament, and the Committee to Protect Journalists limited access to records, detention centers, and prisons. The ICRC maintained a resident office to inspect prisons during the year and resumed inspections of PSO prisons in July after suspending inspections in 2004 (see section 1.c.). The ICRC also carried out humanitarian missions in Saada to support displaced populations during the war. The ICRC, Islamic Relief Yemen, UNHCR, UN Children's Fund, UN World Food Program, and UN Food and Agriculture Organization provided humanitarian assistance to Saada's displaced population. The ICRC did not face governmental restrictions in providing humanitarian assistance, but because of the dangerous security situation in Saada, it was unable to respond to emergencies in an adequate manner. Other organizations reported significantly restricted access to conflict areas of Saada that hindered their ability to support the displaced population (see section 2.d.).

The MOHR attempted to raise awareness of human rights via public information campaigns, training of civil society organizations, and participation in numerous conferences in cooperation with NGOs. During the year the MOHR launched what it described as a major campaign to educate citizens about their rights under the law. The MOHR has a nationwide hotline to receive complaints about abuses of human rights but reported that the hotline did not receive any calls during the year due to cultural sensitivities. The MOHR also presented regular reports regarding its international commitments, such as a report on economic, social, and cultural rights and an antiviolence report.

A Human Rights Committee in the legislature was one of the more vocal committees but rarely took action on real issues.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equal rights and equal opportunity for all citizens; however, the government did not effectively enforce the law. Discrimination based on race, gender, and disability remained a serious problem. There was no specific discrimination based on social status with the exception of the Akhdam. Entrenched general societal and patriarchal attitudes limited women's access to equal rights.

Women

The law criminalizes rape, although spousal rape is not criminalized because a woman may not refuse sexual relations with her husband. The government did not effectively enforce the law. The punishment for rape is imprisonment for up to 15 years; however, the maximum sentence had never been imposed. There were no reliable statistics on the number of rapes. Most rape victims did not report the crime for fear of shaming the family and incurring violent retaliation. Rape victims often were prosecuted on charges of fornication after the perpetrator was freed. According to the law, if the accused does not confess, the defense must provide four female or two male witnesses to the crime. DNA technology was

not available in criminal rape cases, and without witnesses cases were difficult to prosecute. Flagrant corruption often hindered investigation of rape cases. A leading local women's rights organization asserted that the judicial system failed to bring justice to victims of rape.

The law, rarely enforced, provides women with protection against violence, but there were no laws specifically prohibiting domestic violence, including spousal abuse. Although spousal abuse occurred, it generally was undocumented. Violence against women and children was considered a family affair and usually went unreported to police. Due to social norms and customs, an abused woman was expected to take her complaint to a male relative (rather than to authorities) to intercede on her behalf or provide sanctuary to avoid publicizing the abuse and shaming the family.

A small shelter for battered women in Aden assisted victims, and telephone hotlines operated with moderate success in Aden and Sana'a.

The media and women's rights activists continued to investigate and report on violations of women's rights. During the year NGOs sponsored several women's rights conferences dealing with matters such as violence against women, increasing the political representation of women, and economic empowerment. The Ministry of Information broadcast programs on official television and radio stations promoting women's rights during the year.

The penal code allows leniency for persons guilty of committing an honor crime, a violent assault, or killing committed against women for perceived immodest or defiant behavior. The law does not address other types of honor crimes, including beatings, forced isolation, imprisonment, and forced early marriage. The law regarding violence against women states a convicted man should be executed for killing a woman. A husband who kills his wife and her lover may receive a maximum sentence of a fine or imprisonment for up to one year.

The MOI and PSO tolerated and unofficially facilitated sex tourism through corruption for financial and operational gain. Although no laws addressed sex tourism from outside the country, it was a problem, particularly in Aden and Sana'a.

The extent, as well as a legal definition within the local context, of sexual harassment was difficult to determine, although direct observation and very infrequent media reports suggested it occurred both in the workplace and in the streets. There are no specific laws prohibiting sexual harassment.

There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of children. However, societal pressure, a lack of women's education, and the young age of marriage for many women and girls meant that many women in reality had little control over reproduction. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments required the consent of both husband and wife. The information and means to make those decisions were freely available in cities, although contraception, obstetric care, and postpartum care were too costly for much of the population. Most women gave birth at home without skilled attendance and did not see a doctor during their pregnancies or after delivery. According to statistics compiled by international organizations, there were approximately 210 maternal deaths per 100,000 live births in the country in 2008. Information was not available regarding women's equal diagnosis and treatment of sexually transmitted infections, including HIV.

Social custom and local interpretation of Shari'a discriminated significantly against women in family law, property law, and in the judicial system.

Men were permitted to take as many as four wives. A husband may divorce a wife without justifying the action in court. Under the formal court system, a woman has the legal right to divorce, but she must provide a justification, and there were practical, social, and financial considerations that impeded women from obtaining a divorce. However, in some regions under tribal customary law, a woman has the right to divorce without justification.

Some interpretations of Shari'a prohibit a Muslim woman from marrying a non-Muslim man. A Muslim man is allowed to marry a non-Muslim woman. Women do not have the right to confer citizenship on their foreign-born spouses, but they may confer citizenship on children born of a foreign-born father if the father dies or abandons the child. The foreign wife of a male citizen must remain in the country for two years to obtain a residency permit.

According to an MOI regulation, any citizen who wishes to marry a foreigner must obtain the permission of the ministry. A woman wishing to marry a foreigner must present to the MOI proof of her parents' approval. A foreign woman who wishes to marry a male citizen must prove to the ministry that she is "of good conduct and behavior." A close male relative has the authority to approve her travel (see section 2.d.).

Women faced discrimination under family law and inheritance law. Courts awarded custody of children when they attained a specified age (seven years for boys and nine years for girls) to the divorced husband or the deceased husband's family. In numerous cases former husbands prevented divorced noncitizen women from visiting their children. Under Shari'a inheritance laws, daughters receive half the inheritance awarded to their brothers.

Women also faced discrimination in courts, where the testimony of one man equals that of two women. Shari'a discriminates against women in calculating accidental death or injury compensation where women receive 50 percent of what men receive. Female parties in court proceedings such as divorce and family law cases normally deputized male relatives to speak on their behalf; however, they have the option to speak for themselves.

Women experienced economic discrimination. The law stipulates women are equal to men in employment rights, but women's rights activists and NGOs reported that discrimination was a common practice in the public and private sectors.

Governmental mechanisms to enforce equal protection were weak or nonexistent.

According to the MSAL, there were more than 170 NGOs working for women's advancement. The Arab Sisters Forum for Human Rights worked with other NGOs, the government, and donor countries to strengthen women's political participation. The Yemeni Women's Union and Women's National Committee (WNC) conducted workshops on women's rights. The Arab Sisters Forum, with funding from the Netherlands and in cooperation with the MSAL, established projects aimed at providing protection against violence for women and children.

Children

Children born to at least one citizen parent are eligible to receive citizenship. Children born in the country who do not have a citizen father, or a citizen mother and a noncitizen father that dies or abandons a child, are eligible to file for citizenship, but the government rarely granted it. Children of foreign parents who did not receive citizenship were sometimes excluded from receiving government services, including education.

There was no universal birth registration, and many children, especially in rural areas, were never registered or were registered several years after birth. Hospitals maintained official birth registries, but not all hospitals insisted on registration, and most children were not born in hospitals. Children must have birth certificates to register for school, but this requirement was not universally enforced. There were no reports of services being denied to children based on lack of registration.

The law provides for universal, compulsory, and tuition-free education from age six to 15; however, compulsory attendance was not enforced, and books and school uniforms raised the cost of attendance to approximately 2,000 riyals (\$9.40) per student per year, which some parents could not afford. Public schooling was available to children through the secondary school level. Attendance was mandatory through the ninth grade, but many children, especially girls, did not attend primary school. Secondary and postsecondary attendance for girls was less as well.

The law provides for free medical care for children who hold citizenship; however, this was not always enforced. Male children received preferential treatment and had better health and survival rates.

The law does not define or prohibit child abuse, and there was no reliable data on its extent.

The law prohibits female genital mutilation (FGM), but it was a pervasive practice in the coastal areas on infants less than 40 days old. Although government health workers and officials discouraged the practice, women's groups reported FGM rates as high as 90 percent in some coastal areas, such as Mahara and Hudeidah. The WNC and the Ministry of Endowments and Religious Guidance provided a manual for religious leaders on women's health issues, including the negative health consequences of FGM.

Child marriage was a significant problem in the country. There was no minimum age of marriage, and girls were married as young as age eight. A February 2009 law setting the minimum age for marriage at age 17 was repealed. According to a 2009 MSAL study, a quarter of all girls were married before they were 15 years old. The law has a provision that forbids sex with underage brides until they are "suitable for sexual intercourse," an age that is undefined. An Oxfam International study calculated that among 1,495 couples, 52 percent of women and 7 percent of men were married at an early age. The report also highlighted that 15-16 years was generally considered the appropriate age of marriage for girls, depending on region and socioeconomic status. According to the MSAL, the government did not promote public awareness campaigns on the negative effects of child marriage due to the cultural sensitivity of the issue.

Media reports highlighted the problem of child marriage in the country. On April 2, three days after being married to a 23-year-old man, 12-year-old Elham Mahdi died from internal bleeding following intercourse. There were reports that underage citizen girls worked as prostitutes in major cities, particularly in Aden and Sana'a.

There was no law defining statutory rape and no legal limits placed on the age for consensual sex. The law prohibits pornography, including child pornography.

Reports of child soldiers increased in a number of armed conflicts across the country. According to the NGO Small Arms Survey, direct involvement in combat killed or injured hundreds of children annually.

The intermittent conflict in Saada, which resumed in August 2009 and ended in February, reportedly drew underage soldiers fighting for the government and the rebel Houthis (see section 1.g.). The Houthis reportedly used children as runners between groups of fighters as well as to carry supplies and explosives, according to local children's rights NGO Seyaj. The use of child soldiers was forbidden by law, and the government opposed the practice as a matter of policy. However, tribes the government armed and financed to fight alongside the regular army used children in combat, according to reports by international NGOs such as Save the Children.

Married boys, ages 12 to 15 years, were reportedly involved in armed conflicts in the northern tribal areas. According to tribal custom, boys who married were considered adults who owed allegiance to the tribe. As a result half of the tribal fighters in such conflicts were children who had volunteered to demonstrate their tribal allegiance, according to international and local human rights NGOs.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The government's stated policy was to protect the country's Jewish community. However, social pressure excluded Jewish citizens, who numbered fewer than 250, from certain occupations. They are not eligible to serve in the military or federal government.

In October two packages containing explosives were sent as cargo on an airplane from the country addressed to former synagogues in the United States; Al Qaida in the Arabian Peninsula took credit for the mailing.

During the year a cleric resident in the country blogged and released online videos that included the vilification of Jews. According to a foreign NGO, in at least one video, he claimed that Jews had "a hidden agenda" and had infiltrated every government in the world.

A December 19 cartoon in the newspaper *Al-Jamhuriya* represented a stereotypic individual wearing a hat with a Star of David and sucking on a straw, the caption of which read "Jew sucks dry Palestinian identity."

In 2008 an explosive device was thrown at a Jewish home. The government appeared unwilling or unable to increase security for the remaining Jewish population; perpetrators of violence against the community generally went unpunished.

The historic Saada community of 45 Jews, relocated to Sana'a in 2007 after a follower of the Houthis threatened it, remained under government protection in Sana'a. In 2008 a group of men ransacked and destroyed two homes in Saada Governorate that belonged to a member of the Jewish community living in Sana'a. The attack was believed to have been the work of Houthi rebels.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

Several laws mandate the rights and care of persons with disabilities, but there was discrimination against such persons. No national law mandates accessibility of buildings, information, and communications for persons with disabilities.

Information about patterns of abuse of persons with disabilities in educational and mental health institutions was not available.

Authorities imprisoned persons with mental disabilities without providing adequate medical care. According to the MOHR, nurses and doctors watched the inmates. In some instances authorities detained without charge persons with mental disabilities and placed them in prisons with criminals. The MOI reported that at times family members brought relatives with mental disabilities to MOI-run prisons, asking officers to imprison the individuals. At year's end MOI-run prisons in Sana'a, Aden, and Taiz operated in conjunction with the Red Crescent semiautonomous units for prisoners with mental disabilities; conditions in these units reportedly were deficient. At year's end neither the MOI nor Ministry of Health had acted on a 2005 MOI initiative to establish centers for persons with mental illness.

The MSAL is responsible for protecting the rights of persons with disabilities. The government's Social Fund for Development and the Fund for the Care and Rehabilitation of the Disabled, administered by the MSAL, provided limited basic services and supported more than 60 NGOs to assist persons with disabilities.

By law 5 percent of government jobs should be reserved for persons with disabilities, and the law mandates the acceptance of persons with disabilities in universities, exempts them from paying tuition, and requires that schools be made more accessible to persons with disabilities. It was unclear to what extent these laws were implemented.

National/Racial/Ethnic Minorities

Although racial discrimination is illegal, racial and societal discrimination against the Akhdam (an estimated 2-5 percent of the population) was a problem. They generally lived in poverty and endured persistent social discrimination. According to a March 2009 study by the NGO Save the Children, the Akhdam community, a small ethnic minority descended from East Africans, was the social group most vulnerable to discrimination. The government's social fund for development provided basic services to assist them.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual activity is a crime punishable by death under the country's interpretation of Islamic law. Due to the illegality and severe punishment applicable, there were no lesbian, gay, bisexual, or transgender (LGBT) persons' organizations. There were no reports of official or societal discrimination, physical violence, or harassment based on sexual orientation, and there was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care, largely because, since the activity was illegal, LGBT issues were not considered relevant. Few if any LGBT residents were open about their orientation or identity because of strong, hostile societal pressure.

Other Societal Violence or Discrimination

There was no societal violence or public reports of discrimination against persons with HIV/AIDS; however, the topic was socially sensitive and not discussed publicly.

Section 7 Worker Rights

a. The Right of Association

The laws provide workers the right to form and join unions, except for the armed and other security forces and those holding high-level posts in the public sector, civil associations, cooperatives, and professional unions established under different laws than the Trade Union Law; however, the laws were not effectively implemented, and this right was restricted in practice with workers and unions facing many impediments in implementation, administration, and networking. The right to strike was also severely restricted, and the government interfered in union activities.

Although not required by law, in practice all unions are federated within the General Federation of Trade Unions of Yemen (GFTUY), a national umbrella organization. The GFTUY claimed approximately 42,000 members in 21 unions during its 2007 elections. Each union had its own bylaws that organize its internal affairs, including elections. However, bylaws issued by the (MSAL require that union elections take place at least every three years, with MSAL officials present as witnesses. The GFTUY denied any association with the government; however, it is the only official federation, acts as an umbrella organization for all unions, and works closely with the government to resolve labor disputes through negotiation.

The labor law provides unions with the right to strike only if prior attempts at negotiation and arbitration fail; workers exercised this right by conducting legal strikes.

Political parties tried to place allies in union leadership positions to advance party interests, which resulted in division among workers and weakened associative action by unions and professional associations. In some instances political parties attempted to control professional associations by influencing internal elections or placing their own personnel, usually tied to the government, in positions of influence in unions and professional associations. For example, there were two distinct teachers' unions during the year; one was tied to the ruling GPC party, and the other was linked to the opposition JMP coalition. The parties worked separately and sometimes at odds on matters affecting teachers.

The proposal to strike must be submitted to at least 60 percent of all concerned workers, of whom 25 percent must vote in favor. Strikes for explicit "political purposes" were prohibited. In reality a union's ability to strike depended on its political strength and closeness to the ruling party. For example, the physicians and pharmacists' syndicate has never conducted a general strike, while the GPC-associated teachers' union successfully struck for a salary increase.

b. The Right to Organize and Bargain Collectively

The labor law protects collective bargaining. The law provides workers who are not public servants as well as foreign workers, day laborers, and domestic servants the right to organize and bargain collectively without government interference. This group constitutes the majority of the workforce. The drivers' union conducts annual negotiations with the government regarding rights and benefits. The government permitted these activities; however, at times it sought to influence them by placing its own personnel inside groups and organizations. Unions may negotiate wage settlements for their members and may resort to strikes or other actions to achieve their demands. Public-sector employees must take their grievances to court. The MSAL has veto power over collective bargaining agreements, although it has not exercised this power in recent years.

The law generally protects employees from antiunion discrimination. An employer does not have the right to dismiss an employee for union activities; however, there were reports that private-sector employers discriminated against union members through transfers, demotions, and dismissals. The majority of employers in the private sector register only five to 10 employees, which allows them to avoid many social security and labor union regulations. Fewer than 100,000 employees worked for companies with more than 100 employees, making it difficult for the vast majority of workers to enjoy union protection and benefits.

Employees may appeal any dispute, including cases of antiunion discrimination, to the MSAL. Employees also may take a case to the labor arbitration committee, which the MSAL chairs, composed of an employer representative and a GFTUY representative. Generally, all parties want to resolve cases via the committee system since court proceedings are costly and the system is often corrupt. National statistics on how many unionized employees used this system during the year were unavailable.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children; however, the government did not effectively enforce such laws, and there were reports of such practices during the year. In some instances children were forced into domestic servitude and agricultural work, women were forced into domestic servitude or prostitution, and migrant workers were vulnerable to forced labor conditions. Children reportedly were trafficked from the country to work as child laborers in other countries, especially from the governorates of Hajja, Hudeidah, and Saada.

See also the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

The child rights law prohibits child labor; however, the government did not effectively implement the law.

The established minimum age for employment is 15 years in the private sector and 18 years in the public sector. By special permit children between the ages of 12 and 15 could work. The government rarely enforced these provisions, especially in rural and remote areas. The government also did not enforce laws requiring nine years of compulsory education for children.

Child labor was common. Approximately 12 percent of children between the ages of six and 14 worked. In rural areas many children were required to work in subsistence farming due to family poverty. In urban areas children worked in stores and workshops, sold goods, and begged on the streets. Many children of school age worked instead of attending school, particularly in areas where schools were not easily accessible.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

The child labor unit at the MSAL was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement. Due to extensive budget cuts, MSAL employees were unable to travel to conduct their work during the year.

Working children equaled 10 to 15 percent of the total work force. Approximately 52 percent of male children between the ages of 10 and 14 were in the workforce, compared to 48 percent of female children in the same age group. An estimated 83 percent of working children worked for their families (including street beggars), and 17 percent worked outside the family. According to the MSAL, small factories and shops employed children working outside the family. The government partnered with the International Labor Organization to offer remedial education, vocational training, counseling, and reintegration of child laborers into schools.

e. Acceptable Conditions of Work

There was no established minimum wage. The labor law provides equal wages for public-sector workers and civil servants. Private-sector workers, especially skilled technicians, earned a higher wage. The average daily wage did not provide a decent standard of living for a worker and family. During the year the minimum civil service wage did not meet the country's poverty level.

The law specifies a maximum 48-hour workweek with a maximum eight-hour workday; however, many workshops and stores operated 10- to 12-hour shifts without penalty. The 35-hour workweek for government employees was seven hours per day from Saturday through Wednesday.

The MSAL is responsible for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is contained in the labor law. However, enforcement was weak to nonexistent due to lack of MSAL capacity. The MSAL has a vocational safety department that relies on committees to conduct primary and periodic investigations of safety and health conditions in workplaces. Many workers were exposed to toxic industrial products regularly and developed respiratory illnesses. Some foreign-owned companies and major manufacturers implemented higher health, safety, and environmental standards than the government required. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals in court.

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